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Siskiyou; Jeremiah LaRue and Jesus
Fernandez, in their official capacities
as members of the Siskiyou County
Sheriff's Department and in their individual
capacities; Brandon Criss, Ed Valenzuela,
Michael N. Kobseff, Nancy Ogren, and
Ray A. Haupt, in their official capacities
as members of the Siskiyou County Board
of Supervisors and in their individual
capacities; Edward Kiernan, in his official
capacity as County Counsel for Siskiyou
County and in his individual capacity;
and DOES 1-100.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

SACRAMENTO DIVISION

Dilevon Lo, Jerry Vang, Nathan Thao, Mao
Thao, Pao Lee, Antonio Lee, Koua Lee, Nhia
Thai Vang, Zeng Lee, Der Lee and Khue Cha

Plaintiffs,

vs.

County of Siskiyou; Jeremiah LaRue and
Jesus Fernandez, in their official capacities as
members of the Siskiyou County Sheriff's
Department and in their individual capacities;
and Brandon Criss, Ed Valenzuela, Michael
N. Kobseff, Nancy Ogren, and Ray A. Haupt,
in their official capacities as members of the
Siskiyou County Board of Supervisors and in
their individual capacities; Edward Kiernan,
in his official capacity as County Counsel for
Siskiyou County and in his individual
capacity; and DOES 1-100,

Defendants.

Case No.: 2:21-cv-00999-KJM-DMC

**DEFENDANTS' OBJECTIONS TO THE
AFFIDAVIT OF DER LEE DATED JULY
7, 2021 (CM/ECF NO. 23)**

Complaint Filed: June 4, 2021

First Amended Complaint Filed: July 15, 2021

Date: August 6, 2021

Time: 10:00 AM

**[FEES EXEMPT PURSUANT TO
GOVERNMENT CODE SECTION 6103]**

Defendants hereby submit their objections to the affidavit filed by Der Lee in support of Plaintiffs' original motion for TRO and preliminary injunction and the current motion for preliminary injunction.

Material Objected To:	Grounds for Objection:	Ruling on Objection:
<p>Affidavit of Der Lee, July 7, 2021, ¶3</p> <p>"I was born in Laos. My father was a Captain in the U.S. Secret Army. He was killed during the war in Southeast Asia. After my father died, my mother remarried a man who was also a soldier in the Secret War."</p>	<p>Irrelevant.</p> <p>Prejudicial, confusing and misleading (FRE 403)</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
<p>¶4</p> <p>"From 1975 to 1983, I hid in the jungles of Laos to escape the persecution of the Pathet Lao. In 1983, I surrendered to the Lao government. My parents and other older people were taken to re-education camps after leaving the jungle; some of them did not return. Myself and other children were left alone."</p>	<p>Irrelevant.</p> <p>Prejudicial, confusing and misleading (FRE 403)</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
<p>¶5</p> <p>"I escaped to Thailand and lived in a refugee camp at Chong Chan. I was there for three years before coming to the United States where I settled in Colorado."</p>	<p>Irrelevant.</p> <p>Prejudicial, confusing and misleading (FRE 403)</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
<p>¶6</p> <p>"In 2015, I moved to Mt. Shasta Vista where I bought a 2.5 acre piece of property. Myself and others in the Hmong community in Mt. Shasta experienced a great deal of racial prejudice at the time. Because of the racial prejudice in Mt. Shasta, I moved to Minnesota for one year. I returned to Mt. Shasta in 2016."</p>	<p>Lacks foundation.</p> <p>Irrelevant.</p> <p>Hearsay. (FRE 801)</p> <p>Prejudicial, confusing and misleading (FRE 403)</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>
<p>¶8</p> <p>"I must depend on water trucks to bring me water. I have a large above-ground pool in which I store water. Right now, the amount of water left in the pool does not reach my knees."</p>	<p>Irrelevant.</p> <p>Prejudicial, confusing and misleading (FRE 403)</p>	<p>Sustained: _____</p> <p>Overruled: _____</p>

1	¶9	Irrelevant.	Sustained: _____
2	“To get drinking water, I fill three to	Prejudicial, confusing and	Overruled: _____
3	five 5-gallon jugs with water at the	misleading (FRE 403)	
4	Walmart (when it is available) in		
5	Yreka, which is about twenty five		
6	miles from my house. Sometimes		
7	there is no water at Walmart. I am		
8	afraid of being pulled over for		
9	transporting water from Walmart to		
10	my home.”		
11	¶10	Irrelevant.	Sustained: _____
12	“My wife, Yeng Yang, is 50 years old.	Prejudicial, confusing and	Overruled: _____
13	She and I live on our property with	misleading (FRE 403)	
14	our animals. We have four dogs, 100	Lacks foundation.	
15	to 200 ducks, and 100 chickens. We	Inadmissible opinion. (FRE 701)	
16	rely on the animals for food. I worry		
17	how I will get water from them when		
18	my pool runs dry. Two of my chickens		
19	have already died due to lack of		
20	water.”		
21	¶11	Irrelevant.	Sustained: _____
22	“I normally allocate 100 gallons of	Prejudicial, confusing and	Overruled: _____
23	water each day for the animals. I have	misleading (FRE 403)	
24	had to reduce the amount to 45 gallons		
25	of water per day because I do not have		
26	access to enough water.”		
27	¶12	Irrelevant.	Sustained: _____
28	“My wife and I also farmed vegetables	Prejudicial, confusing and	Overruled: _____
	in a garden on our property, which we	misleading (FRE 403)	
	also relied on for food. All of the	Speculation.	
	plants have died due to lack of water.	Inadmissible opinion. (FRE 701)	
	When water became scarce, I had to		
	choose between my plants or my		
	animals. I chose to keep my animals		
	alive.”		
	¶14	Irrelevant.	Sustained: _____
	“If I do not get more water, I plan to	Prejudicial, confusing and	Overruled: _____
	move my animals to Minnesota where	misleading (FRE 403)	
	there is enough water to keep them	Speculation.	
	alive. I plan to do this in the fall. In	Inadmissible opinion. (FRE 701)	
	the summer, it is too hot to transport		
	them, especially without enough		
	water, and many of them would die.”		
	¶15	Irrelevant.	Sustained: _____
	“My current living situation is much	Prejudicial, confusing and	Overruled: _____
	like when I lived in the jungles of	misleading (FRE 403)	
	Laos. However, in the jungle I had		
	plenty of water and never had to worry		
	about getting water.”		

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¶16 “Attached hereto as Exhibit A are true and correct photos of my animals and me on my property on June 24, 2021.”	Irrelevant.	Sustained: _____ Overruled: _____
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